

OLC 78-399/108
10 August 1978

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MEMORANDUM FOR THE RECORD

SUBJECT: Intelligence Charter Legislation

1. A meeting of the Intelligence Charter Working Group, chaired by CIA General Counsel Tony Lapham, was held in the Intelligence Community Staff building on 9 August 1978. In addition to the undersigned and a representative of the Office of General Counsel, the following agencies were represented: Department of Defense, Department of State, Department of the Justice, Federal Bureau of Investigation, Department of Treasury, Office of Management and Budget, and National Security Council. A representative of Vice President Mondale's staff also attended.

2. The central question for resolution by the working group was the manner in which issues relating to Title II of the intelligence charter legislation would be presented to the NSC/SCC and subsequently to the Senate Select Committee on Intelligence. Some of those present, particularly the FBI and Department of Justice representatives, argued in favor of couching the Title II issues as general principles. In support of this position, it was argued that the Administration would retain maximum flexibility and avoid locking itself into specific language. The FBI representatives stated that to do otherwise went against their fundamental interest in not tying the Bureau's law enforcement activities to specific restrictions applicable to intelligence activities, as would be required pursuant to Title II.

3. Other representatives, however, including Department of Defense, CIA, and State, took the position that the only way we could (1) get the NSC/SCC to focus on specific issues and (2) realistically be successful in working out compromise language with the SSCI, would be to approach Title II in the following manner:

- Go through Title II line by-line
- Present specific issues identified by the line-by-line analysis to the NSC/SCC
- At the appropriate time, sit down with the SSCI with the specific language we would be proposing and develop acceptable compromises.

During this process, certain more troublesome or fundamental issues could be "pushed back" for consideration at a later time.

4. It was decided to began proceeding along the lines of this second procedure. The line-by-line analysis of Title II would begin on Tuesday, 15 August 1978 at 2 p.m.; subsequent meetings as necessary to complete that analysis would be scheduled in quick succession thereafter.

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Chief, Legislation Staff
Office of Legislative Counsel

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